

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM R. DIXON,

Petitioner,

: Case No. 3:11-cv-150

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Southern Ohio
Correctional Facility,

:

Respondent.

DECISION AND ORDER

This habeas corpus case, brought *pro se* by Petitioner William Dixon under 28 U.S.C. § 2254, is before the Court on Petitioner's Response to Brief and Memorandum (Doc. No. 56) which the Court construes as Petitioner's Objections to the Magistrate Judge's Report and Recommendations (Doc. No. 55) recommending denial of Petitioner's Motion for Summary Judgment (Doc. No. 54). As required by Fed.R.Civ.P. 72(b) and 28 U.S.C. § 636(b), the Court has reviewed the objections *de novo* with particular attention to any specific portion of the Report to which objection has been made. Having done so, the Court finds the Report is well taken. Therefore, the Report is **ADOPTED** and Petitioner's Motion for Summary Judgment is **DENIED**.

As the Magistrate Judge concluded, Fed. R. Crim. P. 35(b) does not apply to state criminal convictions and a motion under that rule can only be made by the United States Attorney.

DONE and **ORDERED** in Dayton, Ohio, this Thursday, January 30, 2025.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE